

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

TRICIA NICOLE GREGORY
21615 Weatherby Lane
Lexington Park, MD 20653

Registered Nurse License No. 796150

Respondent

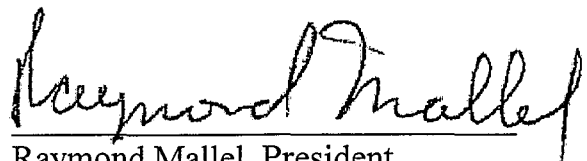
Case No. 2013-173

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on **February 15, 2013.**

IT IS SO ORDERED **February 15, 2013.**



Raymond Mallel, President
Board of Registered Nursing
Department of Consumer Affairs
State of California

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Attorney General of California
2 LINDA K. SCHNEIDER
Supervising Deputy Attorney General
3 State Bar No. 101336
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8
9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2013-173

13 **TRICIA NICOLE GREGORY**
21615 Weatherby Lane
14 Lexington Park, MD 20653

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

15 **Registered Nurse License No. 796150**

16 Respondent.

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18 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
19 proceeding that the following matters are true:

20 **PARTIES**

21 1. Louise R. Bailey, M.Ed., RN (Complainant) is the Executive Officer of the Board of
22 Registered Nursing. She brought this action solely in her official capacity and is represented in
23 this matter by Kamala D. Harris, Attorney General of the State of California, by Amanda Dodds,
24 Senior Legal Analyst.

25 2. Tricia Nicole Gregory (Respondent) is representing herself in this proceeding and has
26 chosen not to exercise her right to be represented by counsel.

27 3. On or about April 22, 2011, the Board of Registered Nursing issued Registered Nurse
28 License No. 796150 to Respondent. The Registered Nurse License was in full force and effect at

1 all times relevant to the charges brought in Accusation No. 2013-173 and will expire on May 31,
2 2013, unless renewed.

3 JURISDICTION

4 4. Accusation No. 2013-173 was filed before the Board of Registered Nursing (Board),
5 Department of Consumer Affairs, and is currently pending against Respondent. The Accusation
6 and all other statutorily required documents were properly served on Respondent on October 1,
7 2012. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of
8 Accusation No. 2013-173 is attached as Exhibit A and incorporated by reference.

9 ADVISEMENT AND WAIVERS

10 5. Respondent has carefully read, and understands the charges and allegations in
11 Accusation No. 2013-173. Respondent also has carefully read, and understands the effects of this
12 Stipulated Surrender of License and Order.

13 6. Respondent is fully aware of her legal rights in this matter, including the right to a
14 hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at
15 her own expense; the right to confront and cross-examine the witnesses against her; the right to
16 present evidence and to testify on her own behalf; the right to the issuance of subpoenas to
17 compel the attendance of witnesses and the production of documents; the right to reconsideration
18 and court review of an adverse decision; and all other rights accorded by the California
19 Administrative Procedure Act and other applicable laws.

20 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
21 every right set forth above.

22 CULPABILITY

23 8. Respondent admits the truth of each and every charge and allegation in Accusation
24 No. 2013-173, agrees that cause exists for discipline and hereby surrenders her Registered Nurse
25 License No. 796150 for the Board's formal acceptance.

26 9. Respondent understands that by signing this stipulation she enables the Board to issue
27 an order accepting the surrender of her Registered Nurse License without further process.

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1 This stipulation constitutes a record of the discipline and shall become a part of Respondent's
2 license history with the Board of Registered Nursing.

3 2. Respondent shall lose all rights and privileges as a Registered Nurse in California as
4 of the effective date of the Board's Decision and Order.

5 3. Respondent shall cause to be delivered to the Board her pocket license and, if one was
6 issued, her wall certificate on or before the effective date of the Decision and Order.

7 4. If Respondent ever files an application for licensure or a petition for reinstatement in
8 the State of California, the Board shall treat it as a petition for reinstatement. Respondent must
9 comply with all the laws, regulations and procedures for reinstatement of a revoked license in
10 effect at the time the petition is filed, and all of the charges and allegations contained in
11 Accusation No. 2013-173 shall be deemed to be true, correct and admitted by Respondent when
12 the Board determines whether to grant or deny the petition.

13 5. Should Respondent's license be reinstated, she shall pay to the Board costs associated
14 with its investigation and enforcement pursuant to Business and Professions Code section 125.3
15 in the amount of \$877.50. Respondent shall be permitted to pay these costs in a payment plan
16 approved by the Board. Nothing in this provision shall be construed to prohibit the Board from
17 reducing the amount of cost recovery upon reinstatement of the license.

18 6. If Respondent should ever apply or reapply for a new license or certification, or
19 petition for reinstatement of a license, by any other health care licensing agency in the State of
20 California, all of the charges and allegations contained in Accusation No. 2013-173 shall be
21 deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of
22 Issues or any other proceeding seeking to deny or restrict licensure.

23 7. Respondent shall not apply for licensure or petition for reinstatement for two (2)
24 years from the effective date of the Board of Registered Nursing's Decision and Order.

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1 ACCEPTANCE

2 I have carefully read the Stipulated Surrender of License and Order. I understand the
3 stipulation and the effect it will have on my Registered Nurse License. I enter into this
4 Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to
5 be bound by the Decision and Order of the Board of Registered Nursing.

6
7 DATED: 11/6/12

Tricia Nicole Gregory
TRICIA NICOLE GREGORY
Respondent

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9
10 ENDORSEMENT

11 The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted
12 for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

13 Dated: 11/15/2012

Respectfully submitted,

14 KAMALA D. HARRIS
Attorney General of California
15 LINDA K. SCHNEIDER
Supervising Deputy Attorney General

16
17 Amanda Dodds

18 AMANDA DODDS
Senior Legal Analyst
Attorneys for Complainant

19
20
21 SD2012703886

Exhibit A

Accusation No. 2013-173

1 KAMALA D. HARRIS
Attorney General of California
2 LINDA K. SCHNEIDER
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3 State Bar No. 101336
AMANDA DODDS
4 Senior Legal Analyst
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9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. **2013-173**

13 **TRICIA NICOLE GREGORY**
1050 20th Street #606
14 San Diego, CA 92102

ACCUSATION

15 **Registered Nurse License No. 796150**

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
22 Consumer Affairs.

23 2. On or about April 22, 2011, the Board of Registered Nursing issued Registered Nurse
24 License Number 796150 to Tricia Nicole Gregory (Respondent). The Registered Nurse License
25 was in full force and effect at all times relevant to the charges brought herein and will expire on
26 May 31, 2013, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811, subdivision (b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

STATUTORY PROVISIONS

5. Section 482 of the Code states:

Each board under the provisions of this code shall develop criteria to evaluate the rehabilitation of a person when:

(a) Considering the denial of a license by the board under Section 480; or

(b) Considering suspension or revocation of a license under Section 490.

Each board shall take into account all competent evidence of rehabilitation furnished by the applicant or licensee.

6. Section 490 of the Code provides, in pertinent part, that a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

7. Section 493 of the Code states:

Notwithstanding any other provision of law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact, and the board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if the conviction is substantially related to the qualifications, functions, and duties of the licensee in question.

As used in this section, "license" includes "certificate," "permit," "authority," and "registration."

1 8. Section 2761 of the Code states:

2 The board may take disciplinary action against a certified or licensed nurse or
3 deny an application for a certificate or license for any of the following:

4 (a) Unprofessional conduct, which includes, but is not limited to, the
5 following:

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7 (4) Denial of licensure, revocation, suspension, restriction, or any other
8 disciplinary action against a health care professional license or certificate by another
9 state or territory of the United States, by any other government agency, or by another
10 California health care professional licensing board. A certified copy of the decision
11 or judgment shall be conclusive evidence of that action.

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13 (f) Conviction of a felony or of any offense substantially related to the
14 qualifications, functions, and duties of a registered nurse, in which event the record of
15 the conviction shall be conclusive evidence thereof.

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17 9. Section 2762 of the Code states:

18 In addition to other acts constituting unprofessional conduct within the meaning
19 of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person
20 licensed under this chapter to do any of the following:

21 (a) Obtain or possess in violation of law, or prescribe, or except as directed by
22 a licensed physician and surgeon, dentist, or podiatrist administer to himself or
23 herself, or furnish or administer to another, any controlled substance as defined in
24 Division 10 (commencing with Section 11000) of the Health and Safety Code or any
25 dangerous drug or dangerous device as defined in Section 4022.

26 (b) Use any controlled substance as defined in Division 10 (commencing with
27 Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous
28 device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner
 dangerous or injurious to himself or herself, any other person, or the public or to the
 extent that such use impairs his or her ability to conduct with safety to the public the
 practice authorized by his or her license.

 (c) Be convicted of a criminal offense involving the prescription, consumption,
 or self-administration of any of the substances described in subdivisions (a) and (b) of
 this section, or the possession of, or falsification of a record pertaining to, the
 substances described in subdivision (a) of this section, in which event the record of
 the conviction is conclusive evidence thereof.

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1 10. Section 2765 of the Code states:

2 A plea or verdict of guilty or a conviction following a plea of nolo contendere
3 made to a charge substantially related to the qualifications, functions and duties of a
4 registered nurse is deemed to be a conviction within the meaning of this article. The
5 board may order the license or certificate suspended or revoked, or may decline to
6 issue a license or certificate, when the time for appeal has elapsed, or the judgment of
7 conviction has been affirmed on appeal or when an order granting probation is made
8 suspending the imposition of sentence, irrespective of a subsequent order under the
9 provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his
10 or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of
11 guilty, or dismissing the accusation, information or indictment.

8 REGULATORY PROVISIONS

9 11. California Code of Regulations, title 16, section 1444, states:

10 A conviction or act shall be considered to be substantially related to the
11 qualifications, functions or duties of a registered nurse if to a substantial degree it
12 evidences the present or potential unfitness of a registered nurse to practice in a
13 manner consistent with the public health, safety, or welfare. Such convictions or acts
14 shall include but not be limited to the following:

13 (a) Assaultive or abusive conduct including, but not limited to, those violations
14 listed in subdivision (d) of Penal Code Section 11160.

15 (b) Failure to comply with any mandatory reporting requirements.

16 (c) Theft, dishonesty, fraud, or deceit.

17 (d) Any conviction or act subject to an order of registration pursuant to Section
18 290 of the Penal Code.

18 12. California Code of Regulations, title 16, section 1445 states:

19

20 (b) When considering the suspension or revocation of a license on the grounds
21 that a registered nurse has been convicted of a crime, the board, in evaluating the
22 rehabilitation of such person and his/her eligibility for a license will consider the
23 following criteria:

23 (1) Nature and severity of the act(s) or offense(s).

24 (2) Total criminal record.

25 (3) The time that has elapsed since commission of the act(s) or offense(s).

26 (4) Whether the licensee has complied with any terms of parole, probation,
27 restitution or any other sanctions lawfully imposed against the licensee.

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1 (5) If applicable, evidence of expungement proceedings pursuant to Section
2 1203.4 of the Penal Code.

3 (6) Evidence, if any, of rehabilitation submitted by the licensee.

4 **COST RECOVERY**

5 13. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
6 administrative law judge to direct a licensee found to have committed a violation or violations of
7 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
8 enforcement of the case.

9 **DRUGS**

10 14. Hydromorphone is a Schedule II controlled substance as designated by Health and
11 Safety Code Section 11055, subdivision (b)(1)(K), and is a dangerous drug pursuant to Business
12 and Professions Code section 4022.

13 15. Lorazepam is a Schedule IV controlled substance as designated by Health and Safety
14 Code section 11057, subdivision (d)(16), and is a dangerous drug pursuant to Business and
15 Professions Code section 4022.

16 16. Midazolam is a Schedule IV controlled substance as designated by Health and Safety
17 Code section 11057, subdivision (d)(21), and is a dangerous drug pursuant to Business and
18 Professions Code section 4022.

19 17. Morphine sulfate (morphine) is a Schedule II controlled substance as designated by
20 Health and Safety Code section 11055, subdivision (b)(1)(L), and is a dangerous drug pursuant to
21 Business and Professions Code section 4022.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Out-of-State Discipline of Respondent's Nursing License)**

3 18. Respondent has subjected her license to disciplinary action under section 2761,
4 subdivision (a)(4) of the Code in that her Virginia registered nurse license was disciplined by the
5 Virginia Department of Health Professions.¹ The circumstances are as follows:

6 19. On or about November 29, 2011, in a disciplinary matter entitled *In re Tricia Nicole*
7 *Gregory, R.N.*, before the Department of Health Professions (DHP), Respondent's Virginia R.N.
8 license was suspended under the authority of Section 54.1-2409 of the Code of Virginia. The
9 suspension was based upon Respondent's April 20, 2011, conviction by a General Court Martial
10 of the United States Navy after she was found guilty of the following offenses:

11 a. Ensign Tricia N. Gregory, Nurse Corps, U.S. Navy (Respondent), pled guilty
12 and was found guilty of violating Article 92 of the Uniform Code of Military Justice (UCMJ) in
13 that while serving on active duty at the U.S. Naval Medical Center, Portsmouth, Virginia (NMC
14 Portsmouth), on or around January 1, 2010 to February 23, 2010, she was derelict in the
15 performance of her duties in that she willfully made unauthorized withdrawals of pharmaceuticals
16 from the Pyxis automated dispensing system.

17 b. Respondent pled guilty and was found guilty of violating Article 112a of the
18 UCMJ in that while serving on active duty on board NMC Portsmouth, in or around January 1,
19 2010 to April 16, 2010, she wrongfully possessed one or more vials containing the controlled
20 substances morphine and hydromorphone. On or about April 16, 2010, while on active duty on
21 board NMC Portsmouth, Respondent wrongfully possessed one or more vials containing the
22 controlled substances Midazolam and Lorazepam. Respondent, while on active duty at her
23 private residence in Portsmouth, on or about April 21, 2010, wrongfully possessed one or more
24 vials containing the controlled substance Midazolam.

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26 ¹ The Virginia Department of Health Professions (DHP) is the umbrella agency for the
27 Commonwealth's health regulatory boards, including the Virginia Board of Nursing. DHP
28 enforces laws and regulations pertaining to the conduct and practices of health practitioners and
select related facilities.

1 c. Respondent pled guilty and was found guilty of violating Article 121 of the
2 UCMJ in that while on active duty on board NMC Portsmouth, on or around January 1, 2010 to
3 February 23, 2010, she stole medical supplies, to wit: pharmaceuticals, syringes, and needles,
4 military property of a value of more than \$500.00.

5 d. Respondent pled guilty and was found guilty of violating Article 134 of the
6 UCMJ in that while on active duty on board NMC Portsmouth, on or about April 16, 2010, she
7 endangered the safety of an infant patient by carrying said infant patient while she was in an
8 intoxicated state, and such conduct constituted culpable negligence.

9 **SECOND CAUSE FOR DISCIPLINE**

10 **(Substantially-Related Criminal Conviction)**

11 20. Respondent has subjected her license to disciplinary action under sections 490 and
12 2761, subdivision (f) of the Code in that Respondent was convicted of crimes that are
13 substantially related to the qualifications, functions, and duties of a registered nurse, as detailed in
14 paragraph 19, above.

15 **THIRD CAUSE FOR DISCIPLINE**

16 **(Illegal Possession of Controlled Substances)**

17 21. Respondent has subjected her license to disciplinary action under section 2762,
18 subdivision (a) of the Code in that on or about and between January 1, 2010 and April 16, 2010,
19 as described in paragraph 19, above, Respondent illegally possessed the controlled substances
20 hydromorphone, morphine, Midazolam, and Lorazepam, and well as possessing syringes and
21 needles used for the administration of controlled substances.

22 **FOURTH CAUSE FOR DISCIPLINE**

23 **(Intoxication)**

24 22. Respondent has subjected her license to disciplinary action under section 2762,
25 subdivision (b) of the Code in that on or about April 16, 2010, as described in paragraph 19,
26 above, Respondent was in an intoxicated state and endangered the safety of an infant patient.

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1 **FIFTH CAUSE FOR DISCIPLINE**

2 **(Conviction of Drug-Related Offenses)**

3 23. Respondent has subjected her license to disciplinary action under section 2762,
4 subdivision (c) of the Code in that on or about April 20, 2011, as described in paragraph 19,
5 above, Respondent was convicted by a General Court Martial of the United States Navy for
6 violating Articles of the Uniform Code of Military Justice relating to her possession and use of
7 controlled substances.

8 **PRAYER**

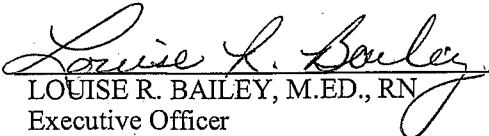
9 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
10 and that following the hearing, the Board of Registered Nursing issue a decision:

11 1. Revoking or suspending Registered Nurse License Number 796150, issued to Tricia
12 Nicole Gregory;

13 2. Ordering Tricia Nicole Gregory to pay the Board of Registered Nursing the
14 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
15 Professions Code section 125.3;

16 3. Taking such other and further action as deemed necessary and proper.
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18

19 DATED: September 7, 2012

20 
21 LOUISE R. BAILEY, M.ED., RN
22 Executive Officer
23 Board of Registered Nursing
24 Department of Consumer Affairs
25 State of California
26 Complainant
27
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SD2012703886